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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Akhterzzaman et al. EXAMINER: Perez, Angelica M.
SERIAL NO.: 09/900,937 GROUP: 2684 CONF. NO.: 7473
FILED: 07/09/2001 DOCKET: LUC-309/Akhterzzaman 37-34-21
TITLE: **PREVENTING ACTIVATION OF AUDIBLE INCOMING CALL
INDICATORS BASED ON GEOGRAPHICAL AREA**

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Commissioner for Patents
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SIR:

Pre-Appeal Brief Request for Review

Applicant requests review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal and a request for a one month time extension giving applicant until August 27, 2006 to file a timely response following the Advisory Action of July 27, 2006. Thus, this response is timely filed. The review is requested for the reasons stated on the attached sheets (not more than 5 pages).

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Applicant requests Pre-Appeal Brief Review of the final office action as being based on an error of fact and/or failure to state a prima facie ground for rejection.

Claim Rejections - 35 U.S.C. §103:

Claims 28-34 are rejected under 35 U.S.C. 103 as being unpatentable over Kowaguchi (U.S. Patent No. 6,201,973) in view of Tomoike (U.S. Patent No. 6,233,447) and in further view of Murayama (U.S. Patent No. 6,643,514). This rejection should be reversed as being based on an error of fact and/or failure to state a prima facie ground for rejection for reasons stated below.

Applicants respectfully disagree with the rejections as explained below. The discussion of certain differences between the claimed invention and the references is in no way meant to acquiesce in any characterization that one or more parts of the applied references not discussed correspond to the claimed invention.

28. A method implemented in a mobile communication device comprising the steps of:

- storing, in the mobile communication device, location information for one or more designated geographical areas;

- determining, by the mobile communication device, when the mobile communication device is within one of the one or more designated geographical areas;

- preventing activation of an audible incoming call indicator in the mobile communication device while the mobile communication device is within one of the one or more designated geographical areas including:

- receiving at the mobile communication device a first signal transmitted from a supporting exchange, the first signal conveying that the one of the one or more designated geographical areas comprises a high traffic area; and

- generating, at the mobile communication device in response to receipt of the first signal, a prevent activation control signal utilized within the mobile communication device to prevent activation of the audible incoming call indicator contained in the mobile communication device upon an incoming call request received by the mobile communication device from the supporting exchange.

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It was acknowledged in the rejection of claim 28 on page 3 of final Office Action of April 20, 2006 that Kowaguchi in view of Tomoike does not teach the limitations of "receiving" and "generating" of claim 28. That is, acknowledged as not taught are:

receiving at the mobile communication device a first signal from a supporting exchange representing that the one of the one or more designated geographical areas comprises one or more high traffic areas; and
generating, at the mobile communication device in response to receipt of the first signal, a prevent activation control signal utilized within the mobile communication device to prevent activation of the audible incoming call indicator contained in the mobile communication device upon an incoming call request received by the mobile communication device from the supporting exchange."

Thus, the rejection of claim 28 relies only on Murayama for teaching these limitations. As explained in more detail below, Murayama is erroneously relied on as teaching the requirements of the receiving and generating steps of claim 28.

Murayama is directed to distributing call requests among a plurality of execution processors (21, 22, ..., 2N) in a radio exchanging station 01. A selection processor 10 and the execution processors may reside in one switch or be distributed among more than one switch. The radio resources referred to in Murayama are stand-alone wireless base stations. It will be clear to one of ordinary skill the art that the "radio exchanging station" is part of the infrastructure equipment in a wireless system, e.g. mobile switching center serving several base stations.

The receiving step of claim 28 requires **receiving at the mobile communication device a first signal transmitted from a supporting exchange**, where the first signal conveys that the one of the one or more designated geographical areas comprises a high traffic area. The generating step in claim 28 requires **generating, at the mobile communication device in response to receipt of the first signal, a prevent activation control signal**. Murayama does not disclose or suggest actions taken by a mobile device. Thus, there is a factual error in the final Office Action as to the teachings of Murayama as explained below.

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The portion of Murayama cited as teaching these limitations was (a) column 4, lines 47-54, and (b) column 5, line 66 – column 6, line 15. These are summarized. In (a), the flowchart of FIG. 3 describes that the execution processors provide use-condition information to the selection processor where the use-condition indicates the execution processor is either a free (available) or disabled (unavailable). All of this takes place within the station 01 without any discussed interaction with any mobile devices. In (b), the flowchart of FIG. 6 describes that the selection processor looks for an execution processor that is free to handle a call request and stops when one is found. If one is not found, the selection processor does not carry out a call distribution. All of the action described in (b) takes place in station 01 without any discussed interaction with any mobile devices.

The cited teachings of Murayama are erroneously relied upon as teaching the receiving a first signal at the mobile communication device that was transmitted from a supporting exchange where the first signal conveys that the one of the one or more designated geographical areas comprises a high traffic area, as per claim 28. In fact, Murayama does not teach transmitting a signal to a mobile device related to traffic or congestion at all. In Murayama, if none of the execution processors are free, then the call request is not distributed to any execution processor and hence no signaling with a called mobile device will or can occur. That is, an execution processor is required to be available to handle the call request as a condition precedent to any communications with a mobile device. And if an execution processor is available to handle the call request, then normal communications will be established with the mobile. Therefore, as per Murayama, a mobile device is never transmitted any signals or information about congestion/loading conditions. Either a normal call to the mobile device is attempted to be setup, or no call is attempted to the mobile device.

Since Kowaguchi and Tomoike are acknowledged in the final Office Action as not providing a teaching of the receiving and generating requirements of claim 28, these references need not be discussed as to these limitations in claim 28. Therefore, since the teachings of Murayama are relied upon in error as to providing the receiving and generating steps of claim 28 as explained above, the rejection of claim 28 should be withdrawn.


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The rejection of independent claim 30 should also be withdrawn since Murayama is erroneously relied on in a similar manner as in claim 28.

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending are respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,



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